

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:19-cv-00017-JDB**

NATIONAL PUBLIC RADIO, INC. et al v. UNITED STATES
DEPARTMENT OF THE TREASURY
Assigned to: Judge John D. Bates
Cause: 05:552 Freedom of Information Act

Date Filed: 01/03/2019
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

NATIONAL PUBLIC RADIO, INC.

represented by **Alia L. Smith**
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Plaintiff

TIM MAK

represented by **Alia L. Smith**
(See above for address)
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David J. Bodney
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

V.

Defendant

**UNITED STATES DEPARTMENT OF
THE TREASURY**

represented by **Joshua M. Kolsky**
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DISTRICT OF COLUMBIA
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Date Filed	#	Docket Text
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01/03/2019	<u>1</u>	COMPLAINT against UNITED STATES DEPARTMENT OF THE TREASURY (Filing fee \$ 400 receipt number 0090-5868030) filed by NATIONAL PUBLIC RADIO, INC., TIM MAK. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Civil Cover Sheet, # <u>10</u> Summons)(Smith, Alia) (Entered: 01/03/2019)
01/04/2019		Case Assigned to Judge John D. Bates. (zef,) (Entered: 01/04/2019)
01/04/2019	<u>2</u>	SUMMONS (1) Issued Electronically as to UNITED STATES DEPARTMENT OF THE TREASURY. (Attachments: # <u>1</u> Notice and Consent)(zef,) (Entered: 01/04/2019)
01/07/2019	<u>3</u>	LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by NATIONAL PUBLIC RADIO, INC. (Smith, Alia) (Entered: 01/07/2019)
01/07/2019	<u>4</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- David J. Bodney, :Firm- Ballard Spahr LLP, :Address- 1 East Washington Street, Suite 2300, Phoenix, AZ 85004. Phone No. - 602-798-5400. Fax No. - 602-798-5595 Filing fee \$ 100, receipt number 0090-5873464. Fee Status: Fee Paid. by TIM MAK, NATIONAL PUBLIC RADIO, INC. (Attachments: # <u>1</u> Declaration of David Bodney in Support, # <u>2</u> Text of Proposed Order)(Smith, Alia) (Entered: 01/07/2019)
01/07/2019		MINUTE ORDER: Upon consideration of <u>4</u> the motion for leave for David J. Bodney to appear pro hac vice, and pursuant to Local Civil Rule 83.2(d), it is hereby ORDERED that the motion is GRANTED; and it is further ORDERED that the Clerk of Court shall enter the appearance of David J. Bodney on behalf of plaintiffs. SO ORDERED. Signed by Judge John D. Bates on 1/7/2019. (lcjdb1) (Entered: 01/07/2019)
01/11/2019	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES DEPARTMENT OF THE TREASURY served on 1/10/2019, RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 1/10/2019., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 1/10/2019. (Answer due for ALL FEDERAL DEFENDANTS by 2/9/2019.) (Smith, Alia) (Entered: 01/11/2019)
02/11/2019	<u>6</u>	NOTICE of Appearance by Joshua M. Kolsky on behalf of UNITED STATES DEPARTMENT OF THE TREASURY (Kolsky, Joshua) (Entered: 02/11/2019)
02/11/2019	<u>7</u>	ANSWER to Complaint by UNITED STATES DEPARTMENT OF THE TREASURY.(Kolsky, Joshua) (Entered: 02/11/2019)
02/11/2019	<u>8</u>	ORDER. See text of Order for details. Signed by Judge John D. Bates on 2/11/19. (lcjdb1) (Entered: 02/11/2019)
02/13/2019		Set/Reset Deadlines: Proposed Briefing Schedule due by 3/11/2019. (tb) (Entered: 02/13/2019)
03/11/2019	<u>9</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF THE TREASURY. (Kolsky, Joshua) (Entered: 03/11/2019)
03/12/2019		MINUTE ORDER: Upon consideration of <u>9</u> the parties' joint status report, and the entire record herein, it is hereby ORDERED that the parties shall file a joint status report by not later than March 25, 2019, which shall include a production schedule for records collected by that date and a proposal for conducting any remaining searches. Signed by Judge John D. Bates on 3/12/19. (lcjdb1) (Entered: 03/12/2019)
03/12/2019		Set/Reset Deadlines: Joint Status Report due by 3/25/2019. (tb) (Entered: 03/12/2019)
03/25/2019	<u>10</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF THE TREASURY. (Kolsky, Joshua) (Entered: 03/25/2019)
03/26/2019		MINUTE ORDER: Upon consideration of <u>10</u> the parties' joint status report, and the entire record herein, it is hereby ORDERED that the parties shall file a joint status report by not later than May 6, 2019. Signed by Judge John D. Bates on 3/26/19. (lcjdb1) (Entered: 03/26/2019)

03/26/2019		Set/Reset Deadlines: Joint Status Report due by 5/6/2019. (tb) (Entered: 03/26/2019)
05/06/2019	<u>11</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF THE TREASURY. (Kolsky, Joshua) (Entered: 05/06/2019)
05/07/2019		MINUTE ORDER: Upon consideration of <u>11</u> the parties' joint status report, and the entire record herein, it is hereby ORDERED that a status conference is scheduled for June 21, 2019, at 9:30 a.m. in Courtroom 30A. The parties should come prepared to discuss any suggestions for how production might be accelerated or how document requests could be prioritized. SO ORDERED. Signed by Judge John D. Bates on 5/7/19. (lcjdb1) (Entered: 05/07/2019)
05/08/2019		Set/Reset Hearings: Status Conference set for 6/21/2019 at 09:30 AM in Courtroom 30A before Judge John D. Bates. (tb) (Entered: 05/08/2019)
05/13/2019	<u>12</u>	Unopposed MOTION to Continue <i>Reschedule Status Conference</i> by UNITED STATES DEPARTMENT OF THE TREASURY (Attachments: # <u>1</u> Text of Proposed Order)(Kolsky, Joshua) Modified event on 5/15/2019 (znmw). (Entered: 05/13/2019)
06/05/2019		MINUTE ORDER: Upon consideration of <u>12</u> defendant's unopposed motion to continue the June 21, 2019, status conference, communications between counsel and chambers, and the entire record herein, it is hereby ORDERED that the motion is GRANTED IN PART; it is further ORDERED that the status conference will be CONTINUED; and it is further ORDERED that a status conference is scheduled on July 23, 2019, at 9:30 a.m. in Courtroom 30A. Signed by Judge John D. Bates on 6/5/19. (lcjdb1) (Entered: 06/05/2019)
06/05/2019		Set/Reset Hearings: Status Conference reset for 7/23/2019 at 09:30 AM in Courtroom 30A before Judge John D. Bates. (tb) (Entered: 06/05/2019)
07/23/2019		MINUTE ORDER: Upon consideration of the matters discussed at the status conference held on this date, and the entire record herein, it is hereby ORDERED that the parties shall meet and confer and file by not later than August 13, 2019, a joint proposal—or separate proposals if agreement cannot be reached—describing the schedule and procedures that will govern processing and production of documents responsive to plaintiffs FOIA request. If agreement cannot be reached, each side should explain in detail the bases for its suggested proposal in a memorandum of not more than seven pages with relevant supporting factual material. SO ORDERED. Signed by Judge John D. Bates on 7/23/19. (lcjdb1) (Entered: 07/23/2019)
07/23/2019		Minute Entry: Status Conference held on 7/23/2019 before Judge John D. Bates: See Minute Order previously entered today. (Court Reporter Scott Wallace) (tb) (Entered: 07/23/2019)
07/23/2019		Set/Reset Deadlines: Attorney Meet and Confer Conference due by 8/13/2019. Joint or Separate Proposed Briefing Schedules due by 8/13/201. (tb) (Entered: 07/23/2019)
08/12/2019	<u>13</u>	Joint MOTION for Extension of Time to File <i>Proposed Processing Schedule(s)</i> by UNITED STATES DEPARTMENT OF THE TREASURY (Attachments: # <u>1</u> Text of Proposed Order)(Kolsky, Joshua) (Entered: 08/12/2019)
08/13/2019		MINUTE ORDER: Upon consideration of <u>13</u> the parties' joint motion for extension of time to file, and the entire record herein, it is hereby ORDERED that the motion is GRANTED; and it is further ORDERED that the parties' joint proposal (or separate proposals) describing the schedule and procedures that will govern processing and production of documents responsive to plaintiffs FOIA request shall be filed by not later than August 20, 2019. SO ORDERED. Signed by Judge John D. Bates on 8/13/19. (lcjdb1) (Entered: 08/13/2019)
08/14/2019		Set/Reset Deadlines: Joint Proposed Briefing Schedule due by 8/20/2019. (tb) (Entered: 08/14/2019)
08/20/2019	<u>14</u>	RESPONSE TO ORDER OF THE COURT re Order,, by TIM MAK, NATIONAL PUBLIC RADIO, INC.. (Attachments: # <u>1</u> Exhibit 1)(Smith, Alia) Modified event title on 8/21/2019 (znmw). (Entered: 08/20/2019)
08/20/2019	<u>15</u>	RESPONSE TO ORDER OF THE COURT re Order,, by UNITED STATES DEPARTMENT OF THE TREASURY. (Attachments: # <u>1</u> Declaration)(Kolsky, Joshua) Modified event title on 8/21/2019 (znmw). (Entered: 08/20/2019)

08/23/2019	<u>16</u>	ORDER on schedule that will govern processing and production of documents. See text of Order for details. Signed by Judge John D. Bates on 8/23/19. (lcjdb1) (Entered: 08/23/2019)
09/23/2019	<u>17</u>	Unopposed MOTION to Clarify <i>Court Order</i> by UNITED STATES DEPARTMENT OF THE TREASURY (Attachments: # <u>1</u> Text of Proposed Order)(Kolsky, Joshua) (Entered: 09/23/2019)
09/24/2019		MINUTE ORDER: Upon consideration of <u>17</u> defendant's unopposed motion to clarify, and the entire record herein, it is hereby ORDERED that the motion is GRANTED; and it is further ORDERED that <u>16</u> this Court's Order of August 23, 2019, should state on page 4 that Treasury is ordered to "review documents at a rate of 3,000 <u>pages</u> per month, regardless of how many documents are identified as being responsive." SO ORDERED. Signed by Judge John D. Bates on 9/24/19. (lcjdb1) (Entered: 09/24/2019)
10/30/2019	<u>18</u>	Unopposed MOTION for Extension of Time to <i>Produce Records</i> by UNITED STATES DEPARTMENT OF THE TREASURY (Attachments: # <u>1</u> Text of Proposed Order)(Kolsky, Joshua) (Entered: 10/30/2019)
10/31/2019		MINUTE ORDER: Upon consideration of <u>18</u> defendant's unopposed motion for extension of time, and the entire record herein, it is hereby ORDERED that the motion is GRANTED; it is further ORDERED that the deadline for defendant to make its next production of records to plaintiffs in this matter is extended until November 7, 2019; and it is further ORDERED that the processing schedule shall return to normal for future months, such that defendant's next deadline will be November 30, 2019. SO ORDERED. Signed by Judge John D. Bates on 10/31/2019. (lcjdb1) (Entered: 10/31/2019)